

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PLANTS HAVING ENHANCED GALL RESISTANCE AND METHODS AND COMPOSITIONS FOR PRODUCING SAME, the specification of which

[] is attached hereto.

- was filed on 11/4/99 as Application No. 09/434,837.
- was described and claimed in PCT International Application No. _____, filed on _____, and as amended under PCT Article 19 on _____ (if applicable).
- and was amended on _____ (if applicable).
- with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

| Prior Foreign Application(s) | Priority Claimed | | | |
|------------------------------|------------------|------------------------|---------|--------|
| (Number) | (Country) | (Day/Month/Year Filed) | [] Yes | [] No |
| | | | | |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/107,185
Application Number

11-05-98
Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

| (Application No.) | (Filing Date) | (Status: patented, Pending, abandoned) |
|-------------------|---------------|---|
|-------------------|---------------|---|

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from _____ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

| Name | Reg. No. | Name | Reg. No. |
|-----------------------|----------|-------------------------|----------|
| BECKER, Mark L. | 31,325 | NOONAN, William D. | 30,878 |
| CALDWELL, Lisa M. | 41,653 | PETERSEN, David P. | 28,106 |
| DeGRANDIS, Paula A. | 43,581 | POLLEY, Richard J. | 28,107 |
| GEORGE, Samuel E. | 44,119 | SCOTTI, Robert F. | 39,830 |
| GIRARD, Michael P. | 38,467 | SIEGEL, Susan Alpert | 43,121 |
| JAKUBEK, Joseph T. | 34,190 | SLATER, Stacey C. | 36,011 |
| JOHNSON, Michelle L. | 36,352 | STEPHENS JR., Donald L. | 34,022 |
| JONES, Michael D. | 41,879 | STUART, John W. | 24,540 |
| KLARQUIST, Kenneth S. | 16,445 | VANDENBERG, John D. | 31,312 |
| KLITZKE II, Ramon A. | 30,188 | WHINSTON, Arthur L. | 19,155 |
| HARDING, Tanya M. | 42,630 | WIGHT, Stephen A. | 37,759 |
| LEIGH, James S. | 20,434 | WINN, Garth A. | 33,220 |
| MAURER, Gregory L. | 43,781 | | |

Address all telephone calls to Paula A. DeGrandis at telephone number (503) 226-7391.

Address all correspondence to:

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, OR 97204-2988

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or first Inventor: Lloyd Walter Ream, Jr.

Inventor's Signature

Lloyd Walter Ream Jr.

December 20, 1999
Date

Residence: Corvallis, Oregon

Citizenship: U.S.A.

Post Office Address: 6005 N.W. Vineyard Dr.
Corvallis OR 97330

Full Name of Second Joint Inventor, if any: Machteld Mok

Inventor's Signature

Machteld Mok

December 15, 1999
Date

Residence: Corvallis, Oregon

Citizenship: U.S.A.

Post Office Address: 3024 N.W. Garryanna Dr.
Corvallis OR 97330

Full Name of Third Joint Inventor, if any: Hyewon Lee

Inventor's Signature

Residence: Pusan, Korea

Citizenship: South Korea

Post Office Address: 304-1002 Sunkyung 3 cha-APT
Guseo-2-Dong Gumjeong-Ku
Pusan, 609-312
KOREA

A S S I G N M E N T

WHEREAS, we, Lloyd Walter Ream, Jr., of Corvallis, County of Benton, State of Oregon, Machteld Mok, of Corvallis, County of Benton, State of Oregon, and Hyewon Lee, of Pusan, Korea, have invented a certain invention entitled PLANTS HAVING ENHANCED GALL RESISTANCE AND METHODS AND COMPOSITIONS FOR PRODUCING SAME, for which we have made application for Letters Patent of the United States, Serial No. 09/434,837, filed November 4, 1996; and

WHEREAS, The State of Oregon Acting by and through the State Board of Higher Education on Behalf of Oregon State University, having a place of business at Corvallis, Oregon 97331-2140, is desirous of acquiring an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, Lloyd Walter Ream, Jr., Machteld Mok and Hyewon Lee, hereby sell, assign and transfer to The State of Oregon Acting by and Through the State Board of Higher Education on Behalf of Oregon State University, the full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights, the right to file and prosecute International Applications under the Patent Cooperation Treaty, and the right to file and prosecute applications under the European Patent Convention; said invention, application and letters patent in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by The State of Oregon Acting by and Through the State Board of Higher Education on Behalf of Oregon State University, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and entirely as the same would have been held by us

had this assignment and sale not been made, and covenant that we have full right to do, and agree that we will communicate to The State of Oregon Acting by and Through the State Board of Higher Education on Behalf of Oregon State University, or its successors and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid The State of Oregon Acting by and Through the State Board of Higher Education on Behalf of Oregon State University, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

Executed at the place and date opposite our signatures below.

Lloyd Walter Ream Jr.
Lloyd Walter Ream, Jr.

At Corvallis, Oregon
(City and State)
on this 20 day of December, 1999

STATE OF OREGON)
) ss.
COUNTY OF BENTON)

This 20 day of December, 1999, before me personally came the above-named Lloyd Walter Ream, Jr., who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.



[SEAL]

Kathleen M. Troseth
Notary Public for Oregon
My commission expires: 10/31/03

Machteld Mok
Machteld Mok

At Corvallis, Oregon
(City and State)
on this 15th day of December, 1999

STATE OF OREGON)
)
COUNTY OF BENTON)

This 15 day of December, 1999, before me personally came the above-named Machteld Mok who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

[SEAL]



Kathleen M. Troseth
Notary Public for Oregon
My commission expires: 10/31/03

Hyewon Lee

At Pusan, Korea
(City and State)
on this _____ day of _____, 1999

This _____ day of _____, 1999, before me personally came the above-named Hyewon Lee who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Witness

A S S I G N M E N T

WHEREAS, we, Lloyd Walter Ream, Jr., of Corvallis, County of Benton, State of Oregon, Machteld Mok, of Corvallis, County of Benton, State of Oregon, and Hyewon Lee, of Pusan, Korea, have invented a certain invention entitled PLANTS HAVING ENHANCED GALL RESISTANCE AND METHODS AND COMPOSITIONS FOR PRODUCING SAME, for which we have made application for Letters Patent of the United States, Serial No. 09/434,837, filed November 4, 1996; and

WHEREAS, The State of Oregon Acting by and through the State Board of Higher Education on Behalf of Oregon State University, having a place of business at Corvallis, Oregon 97331-2140, is desirous of acquiring an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, Lloyd Walter Ream, Jr., Machteld Mok and Hyewon Lee, hereby sell, assign and transfer to The State of Oregon Acting by and Through the State Board of Higher Education on Behalf of Oregon State University, the full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights, the right to file and prosecute International Applications under the Patent Cooperation Treaty, and the right to file and prosecute applications under the European Patent Convention; said invention, application and letters patent in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by The State of Oregon Acting by and Through the State Board of Higher Education on Behalf of Oregon State University, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and entirely as the same would have

been held by us had this assignment and sale not been made, and covenant that we have full right to do, and agree that we will communicate to The State of Oregon Acting by and Through the State Board of Higher Education on Behalf of Oregon State University, or its successors and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid The State of Oregon Acting by and Through the State Board of Higher Education on Behalf of Oregon State University, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

Executed at the place and date opposite our signatures below.

Lloyd Walter Ream, Jr.

At Corvallis, Oregon
(City and State)
on this ____ day of _____, 1999

STATE OF OREGON)
) ss.
COUNTY OF BENTON)

This ____ day of _____, 1999, before me personally came the above-named Lloyd Walter Ream, Jr., who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Notary Public for Oregon
My commission expires:

[SEAL]

Machteid Mok

At Corvallis, Oregon
(City and State)
on this _____ day of _____, 1999

STATE OF OREGON)
) ss.
COUNTY OF BENTON)

This ____ day of _____, 1999, before me personally came the above-named Machteld Mok who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Notary Public for Oregon
My commission expires:

[SEAL]

At Pusan, Korea
(City and State)
on this 15 day of Dec., 1999

Hyewon Lee
Hyewon Lee

Witness

Keon-Joo Choi
(Printed name of witness)

This information is being submitted promptly after applicant has learned of the abandonment on the basis of applicant's own procedures in monitoring the progress of this case. Applicants note that it appears the executed Declaration was mistakenly separated from the Response and submitted to the Assignments division, where it was recorded as though part of the Assignment at Reel 010520, Frames 0754-0760 and 0785-0788.

Applicants request that the abandonment of this case be withdrawn. Acknowledgement of the active status of this application is respectfully requested.

Please proceed with substantive examination of the application on the basis of the attached copy of the response to the Notice to File Missing Parts.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By

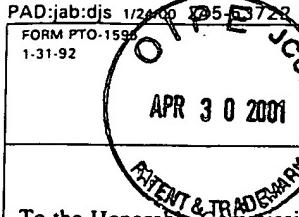
Tanya M. Harding, Ph.D.
Registration No. 42,630

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MAY 01 2001

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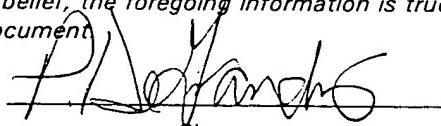


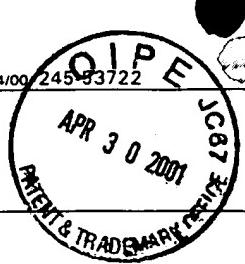
U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

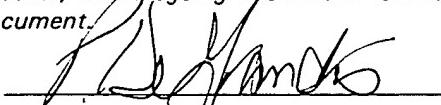
| | | | |
|--|--|---|--|
| 1. Name of Conveying Party(ies): Lloyd Walter Ream, Jr., and Machteld Mok | | 2. Name and address of receiving party(ies): The State of Oregon Acting by and through the State Board of Higher Education on Behalf of Oregon State University | |
| Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | Name: _____ Internal Address: _____ Street Address: _____ City Corvallis State OR ZIP -2140 | |
| 3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: 12/20/99 and 12/15/99, respectively | | Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ | | | |
| A. Patent Application No.(s) 09/434,837 | | B. Patent No.(s)' _____ | |
| Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: Paula DeGrandis Klarquist Sparkman Campbell Leigh & Whinston, LLP Internal Address: One World Trade Center, Suite 1600 Street Address: 121 S.W. Salmon Street City Portland State Oregon ZIP 97204-2988 | | 6. Total number of applications and patents involved: 1 7. Total fee (37 CFR 3.41): \$40.00 Enclosed 8. <input checked="" type="checkbox"/> Any deficiency/overpayment is authorized to be charged to deposit account 02-4550 | |
| DO NOT USE THIS SPACE | | | |
| 9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> | | | |
| Paula DeGrandis | |  Signature | |
| Name of Person Signing | |  Date | |
| Total number of pages including cover sheet, attachments and document: 4 | | | |
| OMB No. 0651-0011 (exp. 4/94) | | | |



RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

| | | | |
|--|-----------|---|------|
| 1. Name of Conveying Party(ies): Hyewon Lee | | 2. Name and address of receiving party(ies): The State of Oregon Acting by and through the State Board of Higher Education on Behalf of Oregon State University | |
| Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | Name: _____ Internal Address: _____ Street Address: _____ | |
| 3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: 12/15/99 | | City Corvallis State OR ZIP -2140 97331 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ | | | |
| A. Patent Application No.(s) 09/434,837 | | B. Patent No.(s) | |
| Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: Paula DeGrandis Klarquist Sparkman Campbell Leigh & Whinston, LLP Internal Address: One World Trade Center, Suite 1600 Street Address: 121 S.W. Salmon Street City Portland State Oregon ZIP 97204-2988 | | 6. Total number of applications and patents involved: 1 7. Total fee (37 CFR 3.41): \$40.00 Enclosed 8. <input checked="" type="checkbox"/> Any deficiency/overpayment is authorized to be charged to deposit account 02-4550 | |
| DO NOT USE THIS SPACE | | | |
| 9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> | | | |
| Paula DeGrandis | |  1/29/00 | |
| Name of Person Signing | Signature | | Date |
| Total number of pages including cover sheet, attachments and document: 4 | | | |
| OMB No. 0651-0011 (exp. 4/94) | | | |